

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRIAN PIERCE,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT OF
CORRECTIONS,

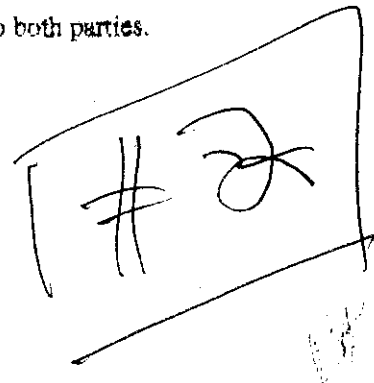
Defendant.

Civil Action No. 03-173E
Judge Sean J. McLaughlin
Magistrate Judge Susan Paradise Baxter

SETTLEMENT AGREEMENT AND GENERAL RELEASE

This settlement agreement and general release is entered into by and between the plaintiff, Brian D. Pierce, by his attorney, Neal A. Sanders, Esquire, and the defendant, Pennsylvania Department of Corrections, by its attorneys, Thomas W. Corbett, Jr., Attorney General, Craig E. Maravich, Deputy Attorney General, and Susan J. Fomey, Chief Deputy Attorney General, Chief, Litigation Section

1. This action was filed by plaintiff pursuant to Title VII for sexual discrimination, hostile work environment and retaliation.
2. The defendants deny they are liable to the plaintiff under any theory and thereby deny each claim alleged in the complaint.
3. Plaintiff and defendants agree that the settlement of plaintiff's claims without the risk, delay and expense of further litigation is equally advantageous to both parties.

A handwritten signature and initials are enclosed within a hand-drawn rectangular box. The signature appears to be "NEA" and the initials "AS".

NOW, THEREFORE, the parties intending to be legally bound hereby agree as follows:

4. Plaintiff will settle and discontinue all claims asserted in the complaint filed in this matter and hereby waives and releases all claims which he has raised or could have raised in any way related to the subject matter of the complaint.

5. The plaintiff, his heirs, executors, administrators, successors and assigns hereby release, acquit, and forever discharge defendants and their agents, employees, servants, successors, heirs, executors, administrators and all other persons, corporations, firms, associations or partnerships, of and from any and all claims, actions, causes of action, suits, debts, demands, damages, costs, loss of service, expenses and compensation whatsoever including attorneys fees which the undersigned now has or which may hereafter occur on account of or in any way growing out of any and all known and unknown, foreseen and unforeseen injuries or damages which in any way are the result of or arise from or are related to the actions set forth in this action.

6. This settlement is reached solely for the purposes of avoiding expensive and time consuming litigation of this matter and is not an admission of liability or of any wrongdoing by the defendants.

7. Defendants agree to pay plaintiff the sum of forty-two thousand (\$42,000) dollars in full and final settlement of this litigation, which includes costs, expenses and attorney fees. The check for such payment to be made payable to Brian D. Pierce and Neal Sanders, Esq.

8. The terms of this settlement agreement constitute the entire understanding between the parties regarding settlement of this matter.

9. For and in consideration of the above, plaintiff consents to the immediate voluntary dismissal of this litigation with prejudice and does not seek reinstatement or future employment with the defendant.


10. Additionally, in consideration of the above, the terms and contents of this agreement shall be kept confidential at the utmost as allowed by law.

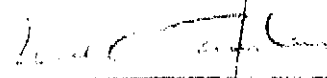
11. Plaintiff is still deemed terminated as of May 13, 2002 and nothing contained in this agreement or as a result of this agreement alters this controlling date; Whereby, plaintiff is entitled to any retirement funds that he may have earned prior to the controlling date if any such exist, but this does not add nor subtract from such retirement account, if such exists.

12. Plaintiff has consulted with his attorney regarding the terms of this settlement and fully understands and agrees with the terms therein.

In witness whereof, the parties have executed this settlement agreement.


PLAINTIFF


Brian D. Pierce
Plaintiff


Neal A. Sanders, Esq.
Attorney for Plaintiff

5/3/06
Date

DEFENDANT


Craig E. Maravich
Deputy Attorney General
Attorney for Plaintiff

5/10/06
Date



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

May 2, 2006

TOM CORBETT
ATTORNEY GENERAL

Western Regional Office
6th Floor, Manor Complex
364 Forbes Avenue
Pittsburgh, PA 15219
(412) 565-2794
Fax: (412) 565-3028

Neal A Sanders, Esq.
Law Offices of Neal Sanders
1924 North Main Street Ext.
Butler, PA 16001

Re: Pierce v. DOC, et al
Civil Action No. 03-173E

Dear Mr. Sanders:

Please find enclosed a Proposed Settlement Agreement and General Release for the above captioned case for your review and endorsement. Please affix the appropriate signatures at your convenience. Should you have any questions or concerns, I can be contacted at 412-565-2794.

Very truly yours,

Craig E. Maravich
Deputy Attorney General

CEM/tml
Enclosures

5/3/06
To: Here is executed agreement.
Kindly forward the fully
executed Agmt to our office by
Monday, May 8, 2006. We will
sign & file the Stip upon receipt
of the \$42,000 check. (NS)

Original
mailed to
you
today